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NEW YORK, NY 10112

EXAMINER
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DICKERSON, CHAD S

ART UNIT	PAPER NUMBER
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2625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,296	<b>Applicant(s)</b> SATO, JUNKO	
	<b>Examiner</b> Chad Dickerson	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>see attachment</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12-C" has been used to designate both the list box which displays a list of member printers and the priority button used to change priority used in figure 19.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - On page 43, line 10: the reference numeral "161" is suggested to be changed to - 121 --.

Appropriate correction is required.

***Claim Objections***

4. Claims 2-5 and 7 are objected to because of the following informalities:
- Re claim 2: on line 19, the phrase "on the basis of" is suggested to be changed to -- on a basis of --. Claims 3-5 are rejected because of their dependency on claim 2.
  - Re claim 7: on line 15, the phrase "the types of" is suggested to be changed to -- types of --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 12: the claim is seeking patent protection on a seemingly patentable computer program. However, the claim fails to have a computer readable medium, which is used to store instructions of the program, utilized to realize the functionality of the computer program. With the claim excluding the computer readable medium needed to realize the functionality of the computer program, the claim is considered to be non-statutory. Claim 11 is an example the correct manner in which to claim a computer program and is suggested to be used instead of claim 12.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuroda '106 (US Pub No 2003/0053106).

Re claim 1: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses a print control method, print control apparatus, print control program for performing computer-executable print data process, and computer readable memory medium, comprising:

a first activation step of activating a first user interface based on functions of the plurality of member printers concerning a virtual printer, in accordance with designation of the virtual printer corresponding to a first output method (i.e. in Kuroda '106, the conflicting process of the functions in the system is executed and the items of the group printer driver User Interface are displayed. The user interface is used to designate the presence or absence of certain functions of set items of the member printer drivers serving as a target of the group printer driver. The user interface is activated to display functions of the plurality of member printers that are not in conflict with a desired function and the group printer driver, considered as the virtual printer, designates the

member printer drivers to perform the first output method of the book-binding printing function or hole punching printing function, which are both to be considered as examples of a first output method. The group printer driver is considered to be the virtual printer since the group printer driver represents the member printer drivers in the system similar to the virtual printer; see figs. 9-15; paragraphs [0105]-[0157]); and

a second activation step of activating a second user interface corresponding to a printer driver of a representative member printer which becomes representative when a virtual printer corresponding to a second output method is designated (i.e. a member printer driver, which is a driver of a member printer in the system, is designated in each outputting method. The member printer driver corresponds with an output method in the system and when the group printer driver user interface is opened to choose a desired output method from a plurality of output methods, a member printer driver for each output method can be set. By designating and setting the output methods for each printer driver, a print instruction can be given through the group printer driver interface, considered as the second user interface, to activate a certain printer driver, which corresponds to member printer, to make a plurality of printing instructions. Figure 18 shows an example of an interface being activated, which corresponds with a printer driver that represents a member printer, when a certain output method, considered as a second output method, is chosen. The method chosen will designate a group printer driver of the output method and the process of figures 9-16b will occur again to designate a specific member printer through the group printer driver, considered as the virtual printer; see figs. 17-20; paragraphs [0158]-[0188]).

Re claim 2: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, further comprising a designation step of issuing, to the member printer, designation of converting a drawing instruction based on intermediate data created on the basis of application data into a predetermined page description language (i.e. the group printer driver (603) converts a series of draw commands formed by the application program into the general print file from a file of an intermediate format which does not depend on the kind of printer device. A PDL driver (602) converts the draw command into a PDL file which can be interpreted by a printer; see paragraphs [0074]-[0082]),

wherein the second activation step further provides a user interface containing a setting item for creating the intermediate data upon activation of the second user interface (i.e. in the process relating to figure 13, the group printer driver user interface display is performed on the basis of results of the conflicting process. The setting for each settable item can be performed on the display user interface in accordance with an operating instruction by the user. Figures 16A and 16B are examples of a user interface containing a setting item which will be used in creating the intermediate data and the intermediate data will then be used to generate other general data to create a document that the printer, which is used for outputting a document, can understand. The user interface used in this example for setting the setting items can be considered as a second user interface since this same process of displaying the setting item occurs the user interface is activated to display a printer driver of a representative member

printer which is also represented by the virtual printer during designating of the virtual printer in a second output method; see figs. 13-20; paragraphs [0113]-[0188]).

Re claim 3: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, wherein the user interface contains an item for setting or changing an arrangement of the plurality of member printers (i.e. in figure 23, a user interface is shown with buttons, or items, used for changing the priority of each printer driver, which is analogous to changing the arrangement of the plurality of member printers. With changing the priority of member printer drivers, the member printers are also changed in priority since the printer drivers correspond to the member printers the printer drivers represent. Also, the buttons (2301 and 2302) used in the system are capable of setting a member printer in a certain priority level, which performs the feature of setting a plurality of member printers; see fig. 23; paragraphs [0213]-[0219]).

Re claim 4: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, wherein the setting item for creating the intermediate data is contained in the first or second user interface (i.e. the setting item used to create the intermediate data is contained in the figures 16A or 16B which are able to be selected by the input of a operating instructions given by the user in the system. The figures 16A and 16B can be considered as either the first or second interface that contains the setting item used to create intermediate data, since the process using the



above figures occurs when the first interface is used to display the plurality of functions based on the member printers or the when displaying the member printer of a printer driver which is representative of a virtual printer; see figs. 9-16B; paragraphs [0113]-[0131]).

Re claim 6: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, further comprising an adoption step of adopting a different conflict method in accordance with a combination of types of the plurality of member printers (i.e. in Kuroda '106 a different conflict method is chosen, or adopted, depending on the different combination types of functions on the plurality of member printers. When a particular function is not available in certain printers in the system, the conflict method is different depending on the function that may not be available on the different types of member printers in the system. The conflict method allows certain items that are not available on certain printers to not have the ability to be selected and with different conflict methods of preventing items not to be selected, the system can adopt different conflict methods with the different functions that need to be not be set . regarding the member printers; see figs. 9-16B; paragraphs [0105]-[0157]),

wherein the first user interface is based on the conflict method adopted in the adoption step (i.e. with the interface used to display the functions of a plurality of printers in the system, this is considered to be the first interface. This same interface is used in the system to display the use of the conflict method in the system be not allowing certain settable items to be selected in the system. With the current interface,

the options available to be set in the member printers is based on the conflict method used in the system toward each respective printer or group printer; see figs. 9-16B; paragraphs [0105]-[0157]).

Re claim 7: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, wherein the types of the plurality of member printers are determined in accordance with whether a function can be controlled (i.e. in the system, member printers in the system are determined to be either a function controllable driver or a function uncontrollable driver. The function controllable drivers are types of member printers that are determined based in the functions that are controlled by the printer driver. Also, the member printers in the system can be determined by which output function is controlled in the printer; see figs. 9-20; paragraphs [0105]-[0188]).

Re claim 8: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, further comprising a change step of changing the representative member printer in the virtual printer corresponding to the second output method (i.e. in figure 23, the buttons (2301 and 2302) are used for changing the priority of each member printer driver, which is in the virtual printer relating the specific output method that may be distribution printing or substitute printing. The previously mentioned printing methods are considered as the second output methods. With changing the priority of the printers in the system, this changes the order of member

printers used in the virtual printer used for a certain output method; see fig. 23;  
paragraphs [0211]-[0219]),

wherein the second activation step activates the second user interface which reflects a change of the representative member printer in the change step (i.e. figure 23 represents the second user interface that is activated to reflect the changes of the representative member printer when using a specific output method in the system; see fig. 23; paragraphs [0211]-[0219]).

Re claim 9: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, wherein the second output method includes a redirect printing output method of printing by redirecting a printer when an error occurs in a printer which has transmitted a print job (i.e. in the automatic substitute print, if an error occurs in the printer device that was used for printing, control is made so as to allow the member printer driver having the second highest priority to automatically execute the printing process. This is an example of redirecting a printing output by redirecting the printer when an error occurs in a printer which has a print job transmitted to the printer that an error performs; see figs. 17, 18 and 23; paragraphs [0209]-[0222]), and

the first output method includes a distributed printing output method (i.e. in the system of Kuroda '106 the distributed printing output method is used by member printers to perform outputs in the system. This method can be considered as the first output method in the system; see figs. 17-23; paragraphs [0159]-[0222]).

Re claim 10: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses a print control method, print control apparatus, print control program for performing computer-executable print data process, and computer readable memory medium, comprising:

activation means for activating a first user interface based on functions of the plurality of member printers concerning a virtual printer of a first output method, in accordance with designation of the virtual printer corresponding to the first output method (i.e. in Kuroda '106, the conflicting process of the functions in the system is executed and the items of the group printer driver User Interface are displayed. The user interface is used to designate the presence or absence of certain functions of set items of the member printer drivers serving as a target of the group printer driver. The user interface is activated to display functions of the plurality of member printers that are not in conflict with a desired function and the group printer driver, considered as the virtual printer, designates the member printer drivers to perform the first output method of the book-binding printing function or hole punching printing function, which are both to be considered as examples of a first output method. The group printer driver is considered to be the virtual printer since the group printer driver represents the member printer drivers in the system similar to the virtual printer. In Kuroda '106, it is clear that a means is present to activate a certain UI in accordance with a certain process with the printer drivers in the system; see figs. 9-15; paragraphs [0105]-[0157] and [0232]-[0238]),

wherein said activation means activates a second user interface corresponding to a printer driver of a representative member printer which becomes representative when a virtual printer corresponding to a second output method is designated (i.e. a member printer driver, which is a driver of a member printer in the system, is designated in each outputting method. The member printer driver corresponds with an output method in the system and when the group printer driver user interface is opened to choose a desired output method from a plurality of output methods, a member printer driver for each output method can be set. By designating and setting the output methods for each printer driver, a print instruction can be given through the group printer driver interface, considered as the second user interface, to activate a certain printer driver, which corresponds to member printer, to make a plurality of printing instructions. Figure 18 shows an example of an interface being activated, which corresponds with a printer driver that represents a member printer, when a certain output method, considered as a second output method, is chosen. The method chosen will designate a group printer driver of the output method and the process of figures 9-16b will occur again to designate a specific member printer through the group printer driver, considered as the virtual printer. In Kuroda '106, it is clear that a means is present to activate a certain UI in accordance with a certain process with the printer drivers in the system; see figs. 17-20; paragraphs [0158]-[0188] and [0232]-[0238]).

Re claim 11: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses a print control method, print control apparatus, print control

program for performing computer-executable print data process, and computer readable memory medium, the program comprising:

code so as to activate a first user interface based on functions of the plurality of member printers concerning a virtual printer of a first output method, in accordance with designation of the virtual printer corresponding to the first output method (i.e. in Kuroda '106, the conflicting process of the functions in the system is executed and the items of the group printer driver User Interface are displayed. The user interface is used to designate the presence or absence of certain functions of set items of the member printer drivers serving as a target of the group printer driver. The user interface is activated to display functions of the plurality of member printers that are not in conflict with a desired function and the group printer driver, considered as the virtual printer, designates the member printer drivers to perform the first output method of the book-binding printing function or hole punching printing function, which are both to be considered as examples of a first output method. The group printer driver is considered to be the virtual printer since the group printer driver represents the member printer drivers in the system similar to the virtual printer. In Kuroda '106, it is clear that a means is used to store program codes to realize the functions of the embodiments of the invention; see figs. 9-15; paragraphs [0105]-[0157] and [0232]-[0238]); and

code so as to activate a second user interface corresponding to a printer driver of a representative member printer which becomes representative when a virtual printer corresponding to a second output method is designated (i.e. a member printer driver, which is a driver of a member printer in the system, is designated in each outputting

method. The member printer driver corresponds with an output method in the system and when the group printer driver user interface is opened to choose a desired output method from a plurality of output methods, a member printer driver for each output method can be set. By designating and setting the output methods for each printer driver, a print instruction can be given through the group printer driver interface, considered as the second user interface, to activate a certain printer driver, which corresponds to member printer, to make a plurality of printing instructions. Figure 18 shows an example of an interface being activated, which corresponds with a printer driver that represents a member printer, when a certain output method, considered as a second output method, is chosen. The method chosen will designate a group printer driver of the output method and the process of figures 9-16b will occur again to designate a specific member printer through the group printer driver, considered as the virtual printer. In Kuroda '106, it is clear that a means is used to store program codes to realize the functions of the embodiments of the invention; see figs. 17-20; paragraphs [0158]-[0188] and [0232]-[0238]).

Re claim 12: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses a print control method, print control apparatus, print control program for performing computer-executable print data process, and computer readable memory medium, comprising:

code so as to activate a first user interface based on functions of the plurality of member printers concerning a virtual printer of a first output method, in accordance with

designation of the virtual printer corresponding to the first output method (i.e. in Kuroda '106, the conflicting process of the functions in the system is executed and the items of the group printer driver User Interface are displayed. The user interface is used to designate the presence or absence of certain functions of set items of the member printer drivers serving as a target of the group printer driver. The user interface is activated to display functions of the plurality of member printers that are not in conflict with a desired function and the group printer driver, considered as the virtual printer, designates the member printer drivers to perform the first output method of the book-binding printing function or hole punching printing function, which are both to be considered as examples of a first output method. The group printer driver is considered to be the virtual printer since the group printer driver represents the member printer drivers in the system similar to the virtual printer. In Kuroda '106, it is clear that a means is used to store program codes to realize the functions of the embodiments of the invention; see figs. 9-15; paragraphs [0105]-[0157] and [0232]-[0238]); and

code so as to activate a second user interface corresponding to a printer driver of a representative member printer which becomes representative when a virtual printer corresponding to a second output method is designated (i.e. a member printer driver, which is a driver of a member printer in the system, is designated in each outputting method. The member printer driver corresponds with an output method in the system and when the group printer driver user interface is opened to choose a desired output method from a plurality of output methods, a member printer driver for each output method can be set. By designating and setting the output methods for each printer



driver, a print instruction can be given through the group printer driver interface, considered as the second user interface, to activate a certain printer driver, which corresponds to member printer, to make a plurality of printing instructions. Figure 18 shows an example of an interface being activated, which corresponds with a printer driver that represents a member printer, when a certain output method, considered as a second output method, is chosen. The method chosen will designate a group printer driver of the output method and the process of figures 9-16b will occur again to designate a specific member printer through the group printer driver, considered as the virtual printer. In Kuroda '106, it is clear that a means is used to store program codes to realize the functions of the embodiments of the invention; see figs. 17-20; paragraphs [0158]-[0188] and [0232]-[0238]).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda '106 in view of Iwasaki '081 (US Pub No 2003/0123081).

Re claim 5: The teachings of Kuroda '106 are disclosed above.

Kuroda '106 discloses the method, wherein the setting item for creating the intermediate

data (i.e. Kuroda '106 discloses a plurality of setting items used for creating the intermediate data that will later be formed into a another printer format to be output by the printer. Figure 16 illustrates an example of having a setting item for creating the intermediate data; see figs. 9-16B; paragraphs [0113]-[0131]) contains a setting item for the intermediate data (i.e. shown in figure 11, there are a plurality of setting items that are used for the intermediate data that will eventually be printed out into another form of data for printing; see fig. 11; paragraphs [0111] and [0112]).

However, Kuroda '106 fails to teach contains a compression method setting item for the intermediate data.

However, this is well known in the art as evidenced by Iwasaki '081. Iwasaki '081 discloses containing a compression method setting item (i.e. in Iwasaki '081 a setting section is present on the image forming apparatus that is able to set a compression rate of image data scanned in the system. This is considered as a compression method since the system allows for a manner of compression as a settable item in the system; see paragraphs [0008] and [0009]).

Therefore, in view of Iwasaki '081, it would have been obvious to one of ordinary skill at the time the invention was made to contain a compression method setting item in order to allow a manner of compression to be set in the overall output system (as stated in Iwasaki '081 paragraph [0009]).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


12. Morooka '105 (US Pub No 2003/0053105) discloses a system where a user interface is activated based on the functions of a plurality of member printers which all are related to a virtual printer and also regarding a first output method. Also, the invention can activate a second user interface displaying the printer driver corresponding to a member printer that is representative of a virtual printer when a certain output method is chosen.

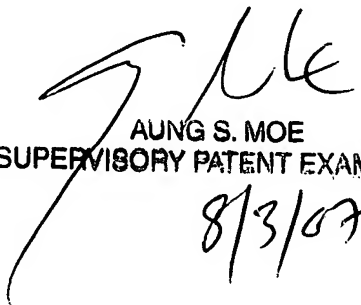
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Dickerson whose telephone number is (571)-270-1351. The examiner can normally be reached on Mon. thru Thur. 9:00-6:30 Fri. 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)- 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CD/   
Chad Dickerson  
July 30, 2007

  
AUNG S. MOE  
SUPERVISORY PATENT EXAMINER  
8/3/07